

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA

MARVEL JONES,

Plaintiff,

vs.

8:20CV365

KATHY HERIAN, 3-East Unit
Supervision at Norfolk Regional Center, in
her individual capacity; ROSETTA
MCALLISTER, R.N. at Norfolk Regional
Center, in her individual capacity;
VERLIN REDLINGER, Activity Assistant
at Norfolk Regional Center, in his
individual capacity; KRIS BOE
SIMMONS, Director Clinical Program
Manager at Norfolk Regional Center, in
her individual capacity; STEVE
LINDSTADT, Activity Assistant of
Personal Development Department at
Norfolk Regional Center, in his individual
capacity; MICHELLE CLARK, Director of
Personal Development Department at
Norfolk Regional Center, in her individual
capacity; DAYNA BUSCH, Activity
Assistant of Personal Development
Department at Norfolk Regional Center, in
her individual capacity; TRACY DAAKE,
Activity Assistant of Personal
Development Department at Norfolk
Regional Center, in her individual capacity;
DAWN COLLINS, Registered Nurse at
Norfolk Regional Center, in her individual
capacity; CHRISTOPHER LUEBE,
Activity Assistant Personal Development
Department East at Norfolk Regional
Center, in his individual capacity; RYAN
WILLS, Activity Assistant Personal
Development Department East at Norfolk

**MEMORANDUM
AND ORDER**

Regional Center, in his individual capacity;
CAROL RUGE, in her individual capacity;
BONNIE BERGLAND, in her individual
capacity; LISA WEIBLE, in her individual
capacity; LARRY SOHLER, in his
individual capacity; HUNTER LEWIS, in
his individual capacity; BRITTANY
MARKER, in her individual capacity;
MATTHEW LEWIS, in his individual
capacity; NANCY WRAGGE, in her
individual capacity; SECURITY
SPECIALIST IIS ON 3-EAST
UNKNOWN, in their individual capacity;
SECURITY SPECIALIST IIS ON 2-EAST
UNKNOWN, in their individual capacity;
SECURITY SPECIALIST IIS ON 3-
WEST UNKNOWN, in their individual
capacity; SECURITY TEAM MEMBERS,
in their individual capacity;
COMPLIANCE TEAM MEMBERS, in
their individual capacity; KOLTEN
NEWHALVE, in his individual capacity;
JAMES JOHNSON, in his individual
capacity; TYLER STENDER, in his
individual capacity; CHRIS NEWHAUS,
in his individual capacity; CAMERON
LIEWER, in his individual capacity;
EDGAR OLIVAN, in his individual
capacity; JOSH DIETERMAN, in his
individual capacity; COREY BANKS, in
his individual capacity; STEPHANIE
OWENS, in her individual capacity; DON
WHITMIRE, in his individual capacity;
and DREW ENGLISH, in his individual
capacity;

Defendants.

Pursuant to the court's June 9, 2021, Memorandum and Order (Filing 13), Plaintiff has provided the last names of several Defendants to enable service of process to occur. Accordingly,

IT IS ORDERED:

1. The Clerk of the Court shall correct the case caption to conform to the above case caption, as spelling has been corrected and last names have been added to several of the named Defendants consistent with information provided by the Plaintiff.

2. The following Defendants shall be served with process in their individual capacities:

KATHY HERIAN
ROSETTA MCALLISTER
VERLIN REDLINGER
KRIS BOE SIMMONS
STEVE LINDSTADT
MICHELLE CLARK
DAYNA BUSCH
TRACY DAAKE
DAWN COLLINS
CHRISTOPHER LUEBE
RYAN WILLS
CAROL RUGE
BONNIE BERGLAND
LISA WEIBLE
LARRY SOHLER
HUNTER LEWIS
BRITTANY MARKER
MATTHEW LEWIS
NANCY WRAGGE
KOLTEN NEWHALVE
JAMES JOHNSON
TYLER STENDER
CHRIS NEWHAUS
CAMERON LIEWER
EDGAR OLIVAN

JOSH DIETERMAN
COREY BANKS
STEPHANIE OWENS
DON WHITMIRE
DREW ENGLISH

3. For service of process on the individual Defendants named in paragraph (2), the Clerk of Court is directed to complete a summons form and a USM-285 form for such Defendants using the address “Norfolk Regional Center, 1700 N. Victory Rd., Norfolk, NE 68701” and forward them together with a copy of the Amended Complaint WITHOUT EXHIBITS (Filing 12), a copy of the court’s June 9, 2021, Memorandum and Order (Filing 13), and a copy of this Memorandum and Order to the Marshals Service.¹ **The Marshals Service shall serve the above-listed Defendants, personally in their individual capacities, at Norfolk Regional Center, 1700 N. Victory Rd., Norfolk, NE 68701.** Service may also be accomplished by using any of the following methods: residence, certified mail, or designated delivery service. *See* Federal Rule of Civil Procedure 4(e); Neb. Rev. Stat. § 25-508.01.

4. Service of process on Defendants Security Specialist IIs on 3-East Unknown, Security Specialist IIs on 2-East Unknown, Security Specialist IIs on 3-West

¹ Pro se litigants proceeding in forma pauperis are entitled to rely on service by the United States Marshals Service. *Wright v. First Student, Inc.*, 710 F.3d 782, 783 (8th Cir. 2013). Pursuant to 28 U.S.C. § 1915(d), in an in forma pauperis case, “[t]he **officers of the court shall issue and serve all process, and perform all duties in such cases.**” *See Moore v. Jackson*, 123 F.3d 1082, 1085 (8th Cir. 1997) (language in § 1915(d) is compulsory); Fed. R. Civ. P. 4(c)(3) (court must order that service be made by United States Marshal if plaintiff is authorized to proceed in forma pauperis under 28 U.S.C. § 1915). *See, e.g., Beyer v. Pulaski County Jail*, 589 Fed. Appx. 798 (8th Cir. 2014) (unpublished) (vacating district court order of dismissal for failure to prosecute and directing district court to order the Marshal to seek defendant’s last-known contact information where plaintiff contended that the jail would have information for defendant’s whereabouts); *Graham v. Satkoski*, 51 F.3d 710, 713 (7th Cir. 1995) (when court instructs Marshal to serve papers for prisoner, prisoner need furnish no more than information necessary to identify defendant; Marshal should be able to ascertain defendant’s current address).

Unknown, Security Team Members, and Compliance Team Members will be delayed until, and if, they are identified by name after reasonable discovery.

5. The United States Marshal shall serve all process in this case without prepayment of fees from Plaintiff.

6. Federal Rule of Civil Procedure 4(m) requires service of the complaint on a defendant within 90 days of filing the complaint. However, Plaintiff is granted, on the court's own motion, an extension of time until 90 days from the date of this order to complete service of process. The Clerk of Court shall set a case-management deadline accordingly.

7. Because this non-prisoner case is proceeding to service of process, and at the direction of the court, this case is removed from the pro se docket. The Clerk of Court shall randomly assign new judges to this case and shall request a reassignment order from the Chief Judge.

DATED this 13th day of July, 2021.

BY THE COURT:



Richard G. Kopf
Senior United States District Judge